

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Greenbelt Division**

JONATHAN ALSTON

Plaintiff,

v.

MACY’S, INC.; FDS THRIFT HOLDING CO.;
and NAVY FEDERAL CREDIT UNION,

Defendants.

Civil Action No.: _____

NOTICE OF REMOVAL

**TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Pursuant 28 U.S.C. §§ 1331, 1441, and 1446, Defendant, Navy Federal Credit Union (“Navy Federal”) hereby removes this action from the Circuit Court for Prince George’s County, Maryland to the United States District Court for the District of Maryland, and states as follows for its Notice of Removal. Removal is proper because this Court has subject matter jurisdiction over this action under federal question jurisdiction pursuant to 28 U.S.C. § 1331. Accordingly, Navy Federal removes this action to this Court:

I. INTRODUCTION

1. On November 23, 2020, Plaintiff Jonathan Alston (“Plaintiff”) filed a Complaint against Navy Federal in the Circuit Court for Prince George’s County, Maryland, styled *Jonathan Alston v. Macy’s, Inc.; FDS Thrift Holding Co.; and Navy Federal Credit Union*, Case No. CAL20-18898 (the “Action”). A copy of the Complaint and Summons are attached hereto as **Exhibits A** and **B**, respectively. As of the date of this filing, there were no other documents

within the Circuit Court for Prince George's County, Maryland's case file.

2. Plaintiff served Navy Federal with a copy of the Summons and Complaint on December 7, 2020. Accordingly, the Notice of Removal is timely pursuant to 28 U.S.C. § 1446(b).

3. In the Complaint, Plaintiff alleges causes of action for violation of § 1681s-2(b) of the Fair Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 *et seq.* and for defamation.

4. Navy Federal denies the allegations in the Complaint, denies that Plaintiff has stated a claim for which relief can be granted, and denies that Plaintiff has been damaged in any manner whatsoever. Nevertheless, assuming for jurisdictional purposes only that Plaintiff's claims are valid, Plaintiff could have originally filed the Complaint in this Court under federal question jurisdiction because Plaintiff asserts claims under the FCRA.

II. GROUNDS FOR REMOVAL

5. This case is removable pursuant to the Court's federal question jurisdiction. Under 28 U.S.C. § 1331, district courts have original jurisdiction over "all civil actions arising under the Constitution, laws, or treaties of the United States."

6. Plaintiff's Complaint alleges violations of § 1681s-2(b) of the FCRA.

7. This Court has original jurisdiction over the present lawsuit pursuant to 28 U.S.C. § 1331 because Plaintiff alleges Navy Federal violated the laws of the United States.

8. To the extent that Plaintiff also assert claims purporting to arise under the common law, these claims – alleging defamation in connection with the same credit reporting at issue in the claims asserted under the FCRA – are so related to Plaintiff's federal claims, which are within the original jurisdiction of this Court, that they form part of the same case or controversy. Accordingly, the Court has supplemental jurisdiction over these claims pursuant to

28 U.S.C. § 1441(c) and 28 U.S.C. § 1367(a).

III. VENUE

9. Venue is proper in this Court because this District and Division encompass the Circuit Court for Prince George's County, Maryland, the forum from which the case has been removed. *See* 28 U.S.C. § 1441.

IV. NOTICE

10. Pursuant to 28 U.S.C. § 1446(d), and concurrent with filing this Notice of Removal, Navy Federal will file a Notice of Filing Notice of Removal with the Clerk of the Circuit Court for Prince George's County, Maryland and will attach a copy of this Notice of Removal thereto. A copy of the Notice of Filing Notice of Removal (without its exhibits) is attached hereto as **Exhibit C**.

11. Upon information and belief, the contents of **Exhibits A-C** constitute the entire file of the action pending in the state court as required pursuant to 28 U.S.C. § 1446(a).

12. Defendant Macy's, Inc. ("Macy's") was served with a copy of the Complaint on December 7, 2020. Defendant FDS Thrift Holding Co. ("FDS") has not yet been served. Pursuant to 28 U.S.C. § 1446(b)(2)(A), both Macy's and FDS consent to the removal of this action. A copy of the Notice of Consent to Removal executed by counsel for Macy's and FDS is attached hereto as **Exhibit D**.

13. Navy Federal reserves the right to amend this Notice of Removal.

14. By removing the case to this Court, Navy Federal does not waive any defenses, objections, or motions available to them under the applicable law. In particular, Navy Federal expressly reserves the right to move for dismissal pursuant to Fed. R. Civ. P. 12.

15. If any questions arise as to the propriety of the removal of this action, Navy

Federal requests the opportunity to present a brief and argument in support of its position that this case is removable.

WHEREFORE, having met all the requirements for removal under 28 U.S.C. §§ 1441 and 1446, including all the jurisdictional requirements of 28 U.S.C. §§ 1331, Defendant, Navy Federal Credit Union hereby removes this action from the Circuit Court for Prince George's County, Maryland to the United States District Court for the District of Maryland and seeks whatever further relief this Court deems equitable and just.

Dated: January 6, 2021

Respectfully submitted,

Navy Federal Credit Union

By: /s/ S. Mohsin Reza
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Counsel for Defendant Navy Federal Credit Union

CERTIFICATE OF SERVICE

I certify that on the 6th day of January, 2021, a true and correct copy of the foregoing was sent regular U.S. Mail, postage prepaid, to the following:

Plaintiff

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